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Paper No. 10

Rudolf O. Siegesmund
Suite 2000
4627 N. Central Expressway
Dallas, TX 75205-4017

MAILED

AUG 24 2004

Technology Center 2100

In re Application of:
Anthony E. Martinez et al.
Application No. 09/657,116
Filed: September 7, 2000
For: SPOTLIGHT CURSOR

DECISION ON PETITION
UNDER 37 CFR §1.181 TO
WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition filed 08 January 2004 under 37 CFR §1.181 to accept as timely the amendment filed 21 August 2003 in the above-identified application.

A non-final rejection (paper no. 7) was mailed on 05 June 2003.

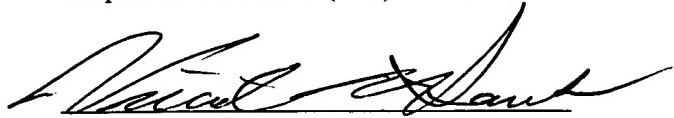
In support of the petition, Petitioner provides a copy of (1) an amendment, (2) a "transmission report" showing 8 pages transmitted, and (3) an "auto-reply facsimile transmission" from the United States Patent and Trademark Office showing receipt of an 8 page transmission, transmitted 21 August 2003.

The "auto-reply facsimile transmission" from the United States Patent and Trademark Office for the response filed 21 August 2003 establishes that a response to the Office action of 05 June 2003 was filed on 21 August 2003. Thus, Petitioner has established that a response was timely filed and the Abandonment was the result of Office error in not matching the response to the application file.

The petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center support staff for entry of the amendment and the information disclosure statement received 08 April 2004. After processing, the application will then be forwarded to the Examiner for appropriate action.

Any inquiry concerning this decision should be directed to Vincent N. Trans whose telephone number is (703) 305-9750.



Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
703-305-9750